THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO: 10939 OF 2005

DATED:08.08.2005

Between:

V.Narayana, S/o.Sailu, Hindu, aged about 55 years,

Staff Assistant, District Cooperative Bank Ltd.,

Hanmakonda Branch, Warangal District.

……PETITIONER

AND

1. District Cooperative Central Bank Ltd.,

rep. by its General Manager, Head Office, Subedari,

Hanmaknoda, Warangal District and another.

……RESPONDENTS

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ORDER

This Writ Petition is filed by the petitioner aggrieved by the show-cause notice, dated 4.4.2005 issued by the first respondent-Bank proposing to impose punishment on the petitioner.

According to the petitioner, disciplinary proceedings were initiated against him for certain alleged irregularities, in which, an enquiry officer was appointed to submit his report. In the impugned show-cause notice, the second respondent as a disciplinary authority, in fact, agreed with the findings of the enquiry officer with regard to the charges, without even giving a notice and opportunity to the petitioner. The learned counsel for the petitioner contended that the action of the disciplinary authority would amount to violation of the principles of natural justice and contrary to the Judgments of the Supreme Court reported in **MANAGING DIRECTOR, E.C.I.L. HYDERABAD V . B.KARUNAKAR** and **PUNJAB NATIONAL BANK V . KUNJ BEHARI MISRA**. Therefore, he sought for setting aside the impugned show-cause notice issued by the disciplinary authority.

The learned Standing Counsel appearing for the respondent-Bank sought to sustain the impugned show-cause notice, but, however, suggested that the said show-cause notice may be treated as a show-cause notice and the petitioner may be directed to submit his explanation, which shall be considered by the disciplinary authority

before taking a decision, either to impose punishment or otherwise.

Heard both sides and considered the material on record.

Admittedly, the impugned show-cause notice was issued by the disciplinary authority proposing to impose suitable punishment without furnishing a copy of the report and without giving opportunity to the petitioner before agreeing with the findings of the enquiry officer. The said action is clearly against the Judgments of the Supreme Court referred to above.

Under the above circumstances, the findings recorded in the impugned show-cause notice to the extent of agreeing with the findings of the enquiry officer are set aside, but not the entire show-cause notice. The petitioner is directed to submit his explanation within four weeks from the date of the receipt of order with reference to the findings of the enquiry officer and thereafter, the disciplinary authority is directed to consider the explanation with reference to the findings of the enquiry officer and pass appropriate orders including the punishment, if any proposed.

The Writ Petition is disposed of accordingly. No costs.

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S. ANANDA REDDY,J

08TH AUGUST 2005

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